

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON**

MALIBU MEDIA, LLC,	)	
	)	
Plaintiff,	)	Civil Action Case No. 4:19-cv-01345
	)	
v.	)	
	)	
JOHN DOE subscriber assigned IP address	)	
70.138.193.96,	)	
	)	
Defendant.	)	
_____	)	

**PLAINTIFF’S MOTION TO CONTINUE THE INITIAL PRETRIAL SCHEDULING  
CONFERENCE SET FOR MAY 24, 2019 AT 4:45 PM**

Plaintiff, Malibu Media, LLC, moves for entry of an order extending the time within which Plaintiff has to file a Joint Discovery Case Management Plan and continuing the initial pretrial scheduling conference currently set for May 24, 2019 at 4:45 PM, and states:

1. Plaintiff filed a complaint against the Internet subscriber assigned IP address 70.138.193.96 (“Defendant”) alleging that Defendant copied and distributed one or more of Plaintiff’s copyrighted works. *See* CM/ECF 1.
2. Since Defendant is only known to Plaintiff by Defendant’s IP address, in order to obtain Defendant’s true identity, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena on the Defendant’s Internet Service Provider seeking Defendant’s identity [CM/ECF 6].
3. On April 23, 2019, Plaintiff was granted leave to serve a third-party subpoena on Defendant’s ISP, AT&T Internet Services, to obtain the Defendant’s identifying information [CM/ECF 8].
4. The Plaintiff issued the subpoena on or about April 25, 2019 and expects to receive the ISP’s response on June 11, 2019.

5. Upon receipt of the subscriber's identifying information, Plaintiff will begin its investigation to determine whether the subscriber was indeed the infringer. If so, Plaintiff will amend its Complaint to name the Defendant.

6. Pursuant to the Court's Order, an initial Conference is set for May 24, 2019 at 4:45 PM [CM/ECF 4]. The parties are due to meet, prepare, and file a proposed Joint Discovery Case Management Plan by May 13, 2019. However, because Defendant has not been served with process, Plaintiff has not yet served its initial disclosures or been able to discuss discovery deadlines with Defendant. For the foregoing reasons, Plaintiff respectfully requests an adjournment of the Initial Pretrial Conference until after Defendant has been served with the amended complaint.

7. This extension will allow undersigned sufficient time to amend its complaint, effectuate service, for Defendant to retain an attorney, and thereafter for the parties to serve its initial disclosures and confer regarding discovery deadlines.

8. This motion is made in good faith and not for the purpose of undue delay.

9. The parties will not be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests an adjournment of the Initial Pretrial Conference until after Defendant has been served with the amended complaint.

Dated: May 13, 2019

Respectfully submitted,

By: /s/ Paul S. Beik  
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**ATTORNEY FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that, on May 13, 2019, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Paul S. Beik  
PAUL S. BEIK